UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
- -X
ANOR ADI,

Plaintiff, **COMPLAINT**

-against-

THE CITY OF NEW YORK,
JARRED DEVITO (TAX 955876), and
GREGORY ELZ (TAX 955900),

PLAINTIFF DEMANDS A TRIAL BY JURY

Defendants.
- X

Plaintiff Anor Adi, by his attorneys, Reibman & Weiner, hereby files this Complaint, and alleges, upon information and belief, as follows:

PARTIES, VENUE and JURISDICTION

1. At all times hereinafter mentioned, plaintiff Anor Adi was a male resident of Queens County, in the State of New York.

2. At all relevant times hereinafter mentioned, defendant City of New York was and is a municipal corporation duly organized and existing under and by virtue of the laws of the State of New York and acts by and through its agencies, employees and agents, including, but not limited to, the New York City Police Department ("NYPD"), and their employees.

3. At all relevant times hereinafter mentioned, defendant Jarred DeVito (Tax No. 955876), was an adult male employed by the City of New York with the rank of Police Officer, and was assigned to the 103rd Precinct. Defendant DeVito is sued herein in his official and individual capacities.

4. At all relevant times herein after mentioned, defendant Gregory Elz (Tax

No. 955900) was an adult male employed by the City of New York with the rank of Police Officer, and was assigned to the 103rd Precinct. Defendant Elz is sued herein in his official and individual capacities.

5. This Court has jurisdiction of this action pursuant to 28 U.S.C. §§ 1331, 1343, and 1367, and 42 U.S.C. § 1983.

6. Venue is properly laid, pursuant to 28 U.S.C. Section 1391, et seq. in the Eastern District of New York, where the plaintiff and defendant City of New York reside, and where the majority of the actions complained of herein occurred.

RELEVANT FACTS

7. On March 11, 2015 (the "date of the arrest"), at approximately 4:30 p.m., plaintiff Anor Adi was lawfully outside the vicinity of 159-01 Jamaica Ave., Queens, New York 11432 (the "scene of the arrest").

8. On the date of the arrest, Adi was a student at Flushing High School and attended classes that day.

9. After the end of the school day, Adi walked with friends towards the scene of the arrest.

10. Anor and his friends approached the intersection of Jamaica Ave. and Parsons Ave., with the intention of crossing towards the McDonald's located at 159-01 Jamaica Ave.

11. At that time, defendants DeVito and Elz stopped plaintiff. One of the defendants, believed to be defendant DeVito, asked plaintiff for identification.

12. Plaintiff presented his identification.

13. Defendants arrested and handcuffed plaintiff.

14. Defendants did not have probable cause or arguable probable cause to arrest plaintiff.

15. Plaintiff was not engaged in any suspicious or illegal activity.

16. The decision to arrest plaintiff was objectively unreasonable under the circumstances.

17. Defendant DeVito signed a criminal complaint stating that DeVito "observed the defendant, Anor I Adi, and approximately nine other unapprehended individuals standing on the sidewalk which created a public inconvenience by blocking the flow of pedestrian traffic. Deponent further states that the defendant refused to move from said location after multiple requests and that when he requested the defendant to show his identification, the defendant refused."

18. Defendant DeVito's statements that plaintiff was "blocking the flow of traffic," plaintiff "refused to move from said location after multiple locations," and plaintiff "refused" to show identification were false.

19. Defendant DeVito intentionally made these false statements.

20. Defendants took plaintiff to a station house of the 103rd Precinct where he was processed and held for several hours.

21. Plaintiff was transferred to Queens County Central Booking where he was held overnight.

22. Plaintiff was charged with violating New York Penal Law § 195.05, Obstructing Governmental Administration in the Second Degree, and New York Penal Law §

240.20, Disorderly Conduct.

23. Plaintiff was arraigned on March 12, 2015. Plaintiff accepted an adjournment in contemplation of dismissal and was released.

24. Plaintiff spent approximately twenty (20) hours in custody as a result of defendants' false arrest.

25. Both individual defendants participated in the illegal seizure of plaintiff, or failed to take any steps to intervene in, prevent, or otherwise intercede on behalf of plaintiff while his constitutional rights were being violated.

26. At all times relevant herein, the defendants were acting within the scope of their employment, and their acts were done in furtherance of the City of New York's interests and without legal justification or excuse.

FIRST CAUSE OF ACTION
FOR FALSE ARREST PURSUANT TO 42 U.S.C. SECTION 1983
AGAINST DEFENDANTS DEVITO AND ELZ

27. Plaintiff repeats the allegations contained in each of the foregoing paragraphs as though stated fully herein.

28. Defendants searched, detained, and arrested plaintiff without probable cause, and without a reasonable basis to believe such cause existed.

29. At no time did defendants have any legal basis for arresting or imprisoning plaintiff, nor was there any reasonable basis to believe said conduct set forth herein was lawful, reasonable, or otherwise appropriate.

30. The individual defendants either participated in the false arrests of plaintiff

or failed to intervene on plaintiff's behalf.

31. The individual defendants, individually and collectively, subjected plaintiff to false arrest and imprisonment, and thereby violated plaintiff's rights under the Fourth and Fourteenth Amendments of the United States Constitution.

32. By reason thereof, the individual defendants have violated 42 U.S.C. § 1983 and caused plaintiff to suffer mental anguish, the deprivation of liberty, and the loss of his constitutional rights.

SECOND CAUSE OF ACTION
FOR DENIAL OF FAIR TRIAL PURSUANT TO 42 U.S.C. SECTION 1983
AGAINST DEFENDANT DEVITO

33. Plaintiff repeats the allegations contained in each of the foregoing paragraphs as though stated fully herein.

34. Defendant DeVito created false information by making false statements in the criminal complaint.

35. That false information was forwarded to the prosecutor.

36. Plaintiff was deprived of liberty as result of this false information.

37. Defendant DeVito thereby denied plaintiff's constitutional right to a fair trial and violated plaintiff's rights under the Fourth and Fourteenth Amendments of the United States Constitution.

38. By reason thereof, defendant DeVito has violated 42 U.S.C. § 1983 and caused plaintiff to suffer mental anguish, the deprivation of liberty, and the loss of his constitutional rights.

THIRD CAUSE OF ACTION
FOR VIOLATION OF 42 U.S.C. § 1983 AGAINST
THE CITY OF NEW YORK

39. Plaintiff repeats the allegations contained in each of the foregoing paragraphs above as though stated fully herein.

40. Defendant City of New York was responsible for ensuring that reasonable and appropriate levels of supervision were in place within and/or over the NYPD.

41. Defendant had actual or constructive knowledge that there was inadequate supervision over and/or within the NYPD with respect to its members' abuse of their authority, abuse of arrest powers, and other blatant violations of the United States Constitution and the rules and regulations of the NYPD. Despite ample notice of inadequate supervision, defendants took no steps to ensure that reasonable and appropriate levels of supervision were put in place to reasonably ensure that NYPD members engaged in police conduct in a lawful and proper manner, including their use of their authority as law enforcement officers with respect to the general public, including, and specifically, the plaintiff herein.

42. The defendant City of New York deliberately and intentionally chose not to take action to correct the chronic, systemic, and institutional misuse and abuse of police authority by its NYPD employees, and thereby deliberately and intentionally adopted, condoned, and otherwise created through deliberate inaction and negligent supervision, an NYPD policy, practice, and custom of utilizing illegal and impermissible searches, arrests, and detentions, and the manufacturing of evidence, in the ordinary course of NYPD business in flagrant disregard of the state and federal constitutions, as well as the Patrol Guide, up to and beyond the plaintiff's

arrest.

43. All of the acts and omissions by the individual defendants described above were carried out pursuant to overlapping policies and practices of the municipal defendant in their capacities as police officers and officials pursuant to customs, policies, usages, practices, procedures and rules of the City and the NYPD, all under the supervision of ranking officers of the NYPD

44. The aforementioned customs, practices, procedures, and rules of the City and the NYPD include, but are not limited to, the following unconstitutional practices:

a. Arresting individuals without probable cause or arguable probable cause;

b. Failing to supervise, train, instruct and discipline police officers and encouraging their misconduct;

c. Discouraging police officers from reporting the corrupt or unlawful acts of other officers;

d. Retaliating against officers who report police misconduct; and

e. Failing to intervene to prevent the above-mentioned practices when such intervention is reasonably available.

45. The municipal defendant has not only tolerated, but actively fostered a lawless atmosphere within the NYPD and that the City of New York was deliberately indifferent to the risk that the inadequate level of supervision would lead to the violation of individuals' constitutional rights in general, and caused the violation of plaintiff's rights in particular.

46. By reason thereof, defendant has violated 42 U.S.C. §1983 and caused plaintiff to suffer mental anguish, the deprivation of liberty, and the loss of his constitutional rights.

WHEREFORE, the plaintiff demands judgment against defendants jointly and severally as follows:

i. On the First Cause of Action, damages in a substantial sum of money against the individual defendants in an amount to be determined at trial;

ii. On the First Cause of Action, punitive damages in a substantial sum of money against the individual defendants in an amount to be determined at trial;

iii. On the Second Cause of Action, damages in a substantial sum of money against the individual defendant in an amount to be determined at trial;

iv. On the Second Cause of Action, punitive damages in a substantial sum of money against the individual defendant in an amount to be determined at trial;

v. On the Third Cause of Action, damages in a substantial sum of money against City of New York in an amount to be determined at trial;

vi. Statutory attorney's fees pursuant to, inter alia, 42 U.S.C. § 1988 and New York common law, as well as disbursements, and costs of this action; and

vii. such other relief as the Court deems just and proper.

Dated: Brooklyn, New York
March 15, 2017

By: /s/

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